



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 10, 1991

Mr. David W. Hilgers
Attorney for Austin-Travis County
MHMR Center
Hilgers & Watkins
P. O. Box 2063
Austin, Texas 78768

OR91-634

Dear Mr. Hilgers:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14027.

The Austin-Travis County Mental Health Mental Retardation Center (MHMR), which you represent, has received a request for information relating to certain requests for proposals. Specifically, the requestor seeks:

Any correspondence, minutes and memoranda of meetings, or other information concerning contracts, bids, or requests for proposals (RFPs) for computer software or hardware purchases between January 1, 1989, and October 15, 1991. This request includes information concerning the planning, design, implementation, proposals, bids, contracts, and costs associated with the Anasazi computer software project; and the minutes of Board of Trustee meetings (including July 25, 1990 and May 15, 1991) during which the Anasazi project was discussed.

You advise us that most of the requested information has been released. You claim, however, that two documents responsive to the request are excepted from required public disclosure by section 3(a)(11) of the Open Records Act.

We have considered the exception you claimed and have reviewed the documents submitted to us. Previous open records decisions resolve your request. Section 3(a)(11) excepts:

inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.

Section 3(a)(11) excepts memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policy-making or deliberative process. Open Records Decision No. 464 (1987) at 2-3. However, facts and written observations of fact that are severable from material excepted under section 3(a)(11) must be disclosed. Open Records Decision No. 582 (1990).

While documents you submitted to us contain advice, opinion, and recommendation, they also contain some factual information not ordinarily excepted from public disclosure under section 3(a)(11). We conclude, however, that the factual information is so inextricably intertwined with the advice, opinion, and recommendation so as not to be practicably severed. *See* Open Records Decision No. 468 (1987) at 2. Accordingly, you may withhold the two documents from required public disclosure in their entireties.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-634.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KG/GK/lcd

Ref.: ID# 14027

cc: Ms. Lisbeth Liparil
The Texas Observer
307 West 7th Street
Austin, Texas 78701